

File No. 161-09

Serial Nos. 1-4

1909.

GENERAL AND REVENUE SECRETARIAT.

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( Court. )

Part A: Manuscript  
for January 1911.

Serial Nos. 1-4.

Remission of Court fees in certain cases

1. From the Registrar Chief Court of Mysore no <sup>1814</sup>/<sub>160</sub>  
of 12-1-1910.  
Forwards for the consideration of Government  
a draft notification ordering the remission of  
Court fees in certain cases noted therein
2. To the same office no 2737 of 19-3-10

1. It is furnished with information  
at the point

2. From the same office. At 198-9 & 9-10.  
70  
Furnishes the information called for

4. To the Compiler, Mysore Gazette no 2066 of 18  
Notifies remissions of Court fees,  
in certain cases -

Copy to the Registrar, Chief Court of the  
no 2067 of 18-1-11

1909-10

## GENERAL AND REVENUE SECRETARIAT

( Courts. )

## NOTES.

Cts File No. 161-09

## FILE HEADING.

Remission of Court fees in certain cases.

From

The Registrar of the Chief Court of Mysore.

No.  $\frac{2814}{160}$ 

Dated 12.1.1910 Received 17.1.10.

Diary No.  $\frac{9244}{1762}$ 

Enclos. one Spare Copies

Serial No. 1

## BRIEF ABSTRACT OF LETTER.

Forwards for the consideration of Govt. draft notification, ordering the remission of court fees in certain cases noted therein.

## NOTES AND ORDERS.

Portions of the Govt of India Orders on the lines of which the draft now submitted is framed, have been noted in pencil on the margin of the draft notification.

Submitted

Serial  
No.

Submitted for orders -

2 Please check against  
each of the columns whether  
there is no notification in force now  
in the State.

29/1/10. Sd. [Signature]

3 The draft may be  
approved with the <sup>small</sup> changes noted on it in pencil

29/2/10. Sd. [Signature]

4 I do not see any answer  
to the query of the Asstt Secy  
as to notus in force in the  
State.

6 (1) Chargeable under II (5).

What is the practice now? If  
no stamp is being levied (of  
which I am by no means  
certain) why should there be an  
exemption? Does not exemption  
in S. 16 X (Ch. fees Regn.) apply?

7 (2) What is the meaning of ~~orders~~  
orders for the payment of deposits

Mr. H. V. R. may  
verify this before  
sending up the  
file

29/1/10. Sd. [Signature]

Recorded on 24.2.10

29.2.10  
24.2.10

See meeting

1. May 10.

3

Serial  
No.

Some explanation is required as to what deposits are meant? & whether the Contemplated Payment is to the depositor (back) or to some one for payment to whom the deposit has been made? What is the practice & what the necessity for the change? Does not 16(1) apply?  
8 (3)(a) - The exemption which at present exists is based on the last seven words of S. 210: - Is not that provision enough? Why should there be a special exemption under the Copies Reg<sup>n</sup>?

9 (3)(b) - Same remark. See S. 219 Cr Pr Code.

10 (3)(c) - Same remark. S. 371 Cr. Pr. C.

11 (3)(d) - A special exemption seems to be necessary, and desirable also. The present practice should be ascertained & if the copies are exempted anywhere, the authorities should be ascertained.

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No.

12 (3)(e) <sup>CrPrC</sup> S. 490 says that such copies are to be given "without payment". It should be ascertained whether this is ~~not~~ taken as excluding pay<sup>t</sup> of stamp fees also? The case is a doubtful one. Perhaps a note is required & may be inserted.

13 (3)(f) Does not "free of cost" in S. 548 include ~~both~~ the ex<sup>o</sup>mp<sup>t</sup>ing of this pay<sup>t</sup> also?

14 (3)(g) ~~(h)(i)~~ the exemption. Seems to be required. But what is the practice & on what authority based?

15 (4) The Chief Court's criticism is right. But why should not one Anna be kept on?

16 (5) Does not 16 (XV) exempt this already?

17 It is no doubt wrong and undesirable to have ex<sup>o</sup>mp<sup>t</sup>

Serial  
No.

tions in force not supported  
by proper authority. But it  
is equally unsatisfactory to  
justify changes only on the ground  
that we thereby follow notices  
issued in B. India.

*Handwritten signature*

7/3/10  
18 Asst Secy Mtl

7/3/10

*Handwritten initials*

7/3/10

chp

19 8/13/10

Submitted for orders with a  
draft of enquiry to the Chief Commr

12-3-10

12-3-10

*Handwritten signature*

*Presumably submitted  
to C-2 on 18/3/10*

For answers to my 9/10/10  
See the routine paper marked 2.

Para 6 of the rules.  
See 16 x Exempts bail bonds in  
Criminal Cases, recognisances to  
prosecute or give evidence, and  
recognisances for personal

*Handwritten signature*  
NOTE - Contn. sheet.

6

Serial  
No.

To the Registrar, Chief Court of Mysore.

N<sup>o</sup> 2737 of 19-3-1910.

Requests to be furnished with  
information on the points raised above.

3 From the same officer, N<sup>o</sup> 1195  
70 of 8-9-10.  
Furnishes the information called  
for.

Filed for orders.

Dec 15/9/10 16/9/10

MB  
Jalim  
strict  
510

Rev

7

(21) The queries have all  
been answered by the Chief Court  
but no authorities are cited for the answers  
given. For instance, money claimed out  
of a deposit is said to be ~~not money that~~  
not to fall under the description of  
money ~~due~~ due by the Govt to the party.

(22) It would be to place the matter  
beyond all doubt the draft notification  
may be approved and issued (with the  
alterations made in pencil in the draft). Sd Virayammal

2/11/10.

How am I to do this?

(23) Will the Asst Secy see me  
with this file (to compare clause by  
clause again)?

7/11/10

Am

NOTE—Contn. sheet.

Isotaker  
8/11/10 Sd

Serial  
No.

24 Under's order

(1) Find out how the provisions regarding 'bail' are worded in the ~~existing~~ previous Criminal procedure Codes (from 1859) -

~~25~~ (2) Revise draft so as to consolidate the remissions in respect of ~~such~~ Cases referring to the Criminal procedure code and to ~~omit~~ reduce the duty to one anna in the case of applications for return of documents.

Personal instructions from  
Early

24/10/10. ~~24~~ ~~10~~ ~~14~~ ~~10~~

25

Subd. Sections 84, 156, 157, 175, 181-2 and 212 to 221 of Act XXV of 1861;

Chapter XXVIII of Act X of 1872; and Chapter XXXIX of Act X of 1882 contain the provisions regarding "bail"

(2) The draft Notification has been revised accordingly as indicated

Serial  
No.

in pencil, and submitted for approval.

See SW 76  
14-11-10.

See 39, of the Code of 1872 speaks of the bond given by an accused person for his appearance, as a recognizance. The Code of 1882 and 1898 refer to it as a bond.

2) In the Code of 1861 ~~a bail bond~~ is the recognizance entered into by a surety for the appearance of an accused person is ~~also~~ spoken of as a 'bail-bond'.

28 A security-bond given for keeping the peace is nowhere spoken of as a bail bond.

~~It is also stated in the Code of 1861 that a bail bond is a bond given after an arrest and executed by two different parties on condition that~~

29 From the meaning given to the word 'Bail' in the Lexicons, it seems to be fairly clear that 'bail' is used only in respect of the appearance of an accused person in Court.

Vide Wharton's  
Law Lexicon.

698

NOTE—Contn. sheet.

2nd 7

30

BPG-55,000-27-4-09

15/11/10. Please get the corrected notes typed. H. J. 1/12/10

1/12/10

Serial  
No.

81 Submitted with a typed draft

122/5-12-co  
W (11)  
5/12/10

See ~~Shiriyammah~~  
5/14/10

1016.

2nd 93 The draft may be approved

9226  
12.12.10

Dewan

Shiriyammah

Disapproved.  
Please circulate to the  
Committee for approval  
before the 11/12/10

10/12/10  
SA  
18/12/10

10

11/11  
2002  
17-1-11

may be approved.  
I believe that in none  
of these cases is any  
stamp fee involved

SA  
13/1/11

AR  
26/1/11

Issue

Balaram Narayan  
17/1/11

W. R. Putta  
16/1/11

to appear Part I (?) at this appear in the Gazette  
the 19th inst

17/1/11

Serial  
No.  
4

To the Compiler, Mysore Gazette  
N<sup>o</sup> 2066 of 18.1.1911.

Notifies certain remissions of  
Court fees in certain cases.

Copy to the Registrar, Chief Court  
N<sup>o</sup> 2067 of 18.1.11.

Letter No. 2814/160  
1762

11, 1  
161-29  
S.A. 1-

Bangalore, dated, 12th January 1910.  
13

From,

V. A. Rajaratna Mudaliar, Esq.,  
Registrar, Chief Court of Mysore.

To,

C. S. Balasundaram Iyer, Esq.,  
Offg: Secretary to Government,  
General and Revenue Departments.

Sir, 12

Same, 1

Owing to the absence of any compilation of Rules and Orders having the force of law it is very difficult to ascertain what Notifications have been issued by the Government under any particular Regulation. So far as the Judges of the Chief Court are aware there is no statutory authority for many exemptions which in practice have long been given effect to and if such is the case it is obvious that the matter should be put upon a legal basis. I am, therefore, directed to submit the accompanying draft notification for the consideration of the Government. The draft, is on the lines of the marginally noted notifications which

Flags  
20-  
3-  
1180

Government of India Notifications Nos. are in force throughout the whole of British India.  
4550 dated the 10th September 1889,  
3389 dated the 6th August 1896 and  
1180 dated the 24th February 1905.

2. Although the practice does not appear to be uniform it is believed that the majority of the documents enumerated in clause (3) of the draft notification are generally regarded as exempt from Court fee. Applications for the return of documents filed in Court are stamped with a one anna stamp, a practice which, except in cases when the value of the connected suit is less than Rs. 50/-, is obviously unwarranted.

I have the honour to be,  
Sir,

Your most obedient servant

REGISTRAR.

B.V.

Draft Notification.

2/12/1957

Under section 42 of the Mysore Court Fees Regulation, 1900, it is hereby notified that, in exercise of the power to reduce or remit in the whole or any part of Mysore all or any of the fees mentioned in the First and Second Schedules to the said Regulation, <sup>the Government of</sup> His Highness the Maharaja of Mysore has been pleased to make the remissions hereinafter set forth, namely:-

272  
u.s. 9.4.4.9  
14. 10.4.15  
19.9.1957  
7/10/57

(1). To remit the fees chargeable on security-bonds for the keeping of the peace by, or good behaviour of, persons other than the executants.

Vide Clause 10

(2). To remit the fees chargeable, under paragraph 4 of clause (a) and paragraph 2 of clause (b) of Article 1 of the Second Schedule, on applications for orders for the payment of deposits in cases in which the deposit does not exceed Rs.25/- in amount:

13

Provided that the application is made within three months of the date on which the deposit first became payable to the party making the application.

Vide Clause 15

(3). To remit the fees chargeable on the following document namely:-

(a). Copy of the charge framed under section 210 of the Code of Criminal Procedure, 1904, or a translation thereof, when the copy is given to an accused person;

(b). Copy of the evidence of supplementary witnesses after commitment, when the copy is given under section 219 of the said Code to an accused person;

(c). Copy or translation of a judgment in a case other than a summons case, and copy of the heads of the Judge's charge to the Jury, when the copy or translation is given under section 371 of the said Code to an accused person;

(d). Copy or translation of a judgment in a summons-case when the accused person to whom the copy or translation is given under section 371 of the said Code is in Jail.

(e). Copy of an order of maintenance, when the copy is given

given under section 490 of the said Code to the person in whose favour the order is made, or to his guardian, if any, or to the person to whom the allowance is to be paid;

(f). Copy furnished to any person affected by a judgment or order passed by a Criminal Court, of the Judge's charge to the Jury, or of any order, deposition, or other part of the record, when the copy is not a copy which may be granted under any of the preceding sub-clauses without the payment of a fee, but a copy which, on its being applied for under section 548 of the said Code, the Judge or Magistrate, for some special reason to be recorded by him on the copy, thinks fit to furnish without such payment;

(g). Copies of all documents furnished under the orders of any Court or Magistrate to any Government Advocate or Pleader or other person specially empowered in that behalf for the purpose of conducting any trial or investigation on the part of the Government before any Criminal Court;

(h). Copies of all documents which any such Advocate, pleader or other person is required to take in connection with any such trial or investigation for the use of any Court or Magistrate, or may consider necessary for the purpose of advising the Government in connection with any Government Proceedings;

(i). Copies of judgments or depositions required by officers of the police department in the course of their duties.

Note:- The fees chargeable on application for copies of the documents detailed in clause (3) are also remitted.

(4). To remit the fee chargeable on an application presented by any person for the return of a document filed by him in any Court or public Office.

(5). To direct that no Court-fee shall be charged on an application for the repayment of a fine or any portion of a fine, the refund of which has been ordered by competent authority.

as (4), (4) & (5) being cancelled (5) only

2/12

SA

B.O.  
Secy to Govt  
J. & R. 5/12/12

now. If no stamp fee is being levied why should there be an exemption?

Does not exception in Section 16 (X) of the Court Fees Regulation apply to such cases?

What is the meaning of orders for the payment of deposits; what deposits are meant & whether the contemplated payment is to the depositor or to some one for payment to whom the deposit has been made? What is the practice and what the necessity for the change? Does not Section 16 (XV) of the Court Fees Regulation apply?

Clause 2.

List of enclosures.

The exemption which at present exists is based

Clause 3(a)

Copied by

Examined by

G.E.S. 26]

14 61

18/3/10 (41572)

Letter no 22737 of 19 March 1910

File No. Serial No.

Diary No. of letter replied to

From the Secretary to Govt. Gen + Rev. Secy

No. 22737

General and Revenue Secretariat

( *Ch* )  
the 190

To The Registrar of the Chief Court of Mysore

Date of issue 19th March 1910

Signed by Mr. S. Srinivasan

15

Sir,  
Adverting to your letter A 2814 dated the 12th January 1910, in which a draft notification regarding certain exempt under the Court fees Regulation, I am directed to request you to be so good as to <sup>with the necessary enquiries</sup> ascertain and furnish Govt with replies to the following queries points:  
What is the practice

Information

Clause (1) of the Draft

SUBJECT.

*Regd*

G.R.S. 27]

GENERAL AND REVENUE  
SECRETARIAT.

(Continuation Sheet draft form.)

Clause 3 (b)

Clause 3(c)

- - - 3(d)

— 3(e)

— 3(f)

on the last seven words  
of Section 210 of the  
Code of Criminal Procedure  
Is not that provision enough  
why should there be a  
special exemption under  
the Court Fees Regulation

Same remark, Please  
see Section 219. ~~Code~~  
of Criminal Procedure

Same remark, Please  
see Section 371 of the  
said Code

What is the present  
practice? Are copies  
are exempted anywhere, if  
~~do~~ under what authority

Is the expression  
"without payment" occurring  
in Section 490 of the  
Code of Criminal Procedure  
taken as excluding  
payment of stamp fees?  
~~also~~

Does not "free of Court

1762

7  
occurring in section 528  
of the Code of Criminal  
Procedure include the  
exemption of the conferee  
also?

What is the practice  
and on what authority  
is it based?

Clause 3 (g)(h), (i)

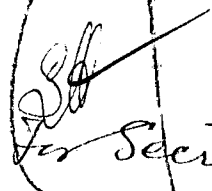
Is this exemption recommended?

Why should not the  
of one of them be kept  
on?

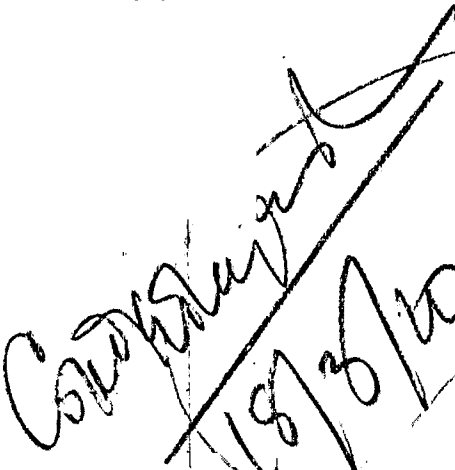
Clause (4) uniform  
Why should not a fee of  
one anna be kept on - (permitting  
the seven annas in respect of  
applications in cases of the bankrupt  
over 50/-)  
Clause 5

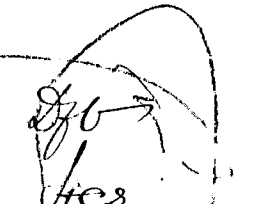
Does not Section  
16 (xv) of the Court  
Fees Regulation exempt  
this already?

I have to

  
Secretary

SW  
16/2/10

  
18/2/10

  
HCS  
12.3.1910

Clause (4).

(c) Clause (4). There is no reason why an uniform fee of one anna should not be retained. The proposal made by this Court merely followed the British India rule. It will only be necessary to insert the words ' in excess of one anna ' after the word ' fee ' in the clause.

(- ) Clause (5). Money which has to be refunded can scarcely be said to be money due by Government to the applicant.

3. I am to add that the Judges of the Chief Court especially press for the remissions referred to in clause (3) (a) to (f) and in clause (4). The other remissions referred to are of no great importance.

I have the honor to be

Sir,

Your most obedient servant,



REGISTRAR

cc

Serial 4

3 copies

Government of His Highness the Maharaja  
of Mysore.

General & Revenue Secretariat.

Order No. J 2066/65

Dated Bangalore the 18<sup>th</sup> January 1911.  
~~December 1910~~

Notification.

Under Section 42 of the Mysore

Series 2

Court Fees Regulation, 1900, it is hereby  
notified that, in exercise of the power to  
reduce or remit, in the whole or any part of  
Mysore, all or any of the fees mentioned in  
the First and Second Schedules to the said  
Regulation, the Government of His Highness  
the Maharaja of Mysore have been pleased to  
make the remissions hereinafter set forth  
namely:-

(1). To remit the fees chargeable on security-bonds for the keeping of the peace by, or  
for good behaviour of, persons other than the  
executants.

(2). To remit the fees chargeable on

(a) a copy or translation ~~as the case may~~

~~be~~ given free of cost under Sections 210,

219, 371, 490 and 543, <sup>of the</sup> Criminal Procedure Code  
(b).

Signed

by Mr. C. Balasubramanian  
Sgt.

18

To.

399

23/1/11

Translated

208  
25/1/11

(b). Copy or translation of a judgment in a summons-case when the accused person to whom the copy or translation is given under Section 371 of the said Code is in Jail.

(c). Copies of all documents furnished under the orders of any Court or Magistrate to any Government Advocate or Pleader or other person specially empowered in that behalf, for the purpose of conducting any trial or investigation on the part of the Government before any Criminal Court:

19. (d). Copies of all documents which any such Advocate, Pleader or other person is required to take in connection with any such trial or investigation for the use of any Court or Magistrate, or may consider necessary for the purpose of advising the Government in connection with any Government Proceedings:

(e). Copies of Judgments or Depositions required by officers of the Police Department in the course of their duties.

*To remit also*  
(3) The fees chargeable on application for copies of the documents detailed in clause

(2) ~~are also remitted.~~

(4).

(4). To remit the fee, in excess of one anna, chargeable on an application presented by any person for the return of a document filed by him in any Court or Public Office.

(5). To remit the Court-fee chargeable on an application for the repayment of a fine or any portion of a fine, the refund of which has been ordered by competent authority.

By Order,

*CSB*

Offg. Secretary to Government.

To

*SA*

The Compiler, Mysore Gazette, for publication with a Kannada translation, for transmission of 200 spare copies.

*J 2004/25-16-4-4 3 1/2/11*  
*Copy to Department, Chief Justice of Mysore, with reference to his letter no: 1195/70 of 8.9.10.*

SRN

*Drafter*  
*ACB*  
*122/5-12*

*redy*